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OLIVER SUES TO FORCE LIGHT CO. TO TAKE CAR CO.

Former Senator, Acting For
Stockholders, Asks Court to
Order Uphold City.

SUIT WILL TEST THE FRANCHISE'S VALADITY

Lawyer in Petition, Says Street
Car Company Has Kept All of
Its Agreements.

The Cape Girardeau & Jackson Interurban Railroad Company, by its attorneys, Oliver & Oliver, of this city, filed suit yesterday in the Circuit Court of this county, against the Light & Development Company, in which the plaintiff asks for the specific performance of the contract for the purchase of the street car line, which it is claimed they have heretofore refused to perform on the ground that the street car company had no legal and valid franchise in the city of Cape Girardeau; and on the further ground that the Missouri Public Utilities Company, successor of the Cape Girardeau Water Works & Electric Light Company, has not received a gas franchise and other franchises, and contract, as provided in the contract of purchase.

In an interview with a Tribune representative last evening, Senator R. B. Oliver of the firm of Oliver & Oliver, in discussing the suit, said:

"The Light & Development Company, in February, 1913, entered into a contract with the street railway company, to take over the railway company on one condition;

"That the city grant the Water & Light Company a new franchise for light and water; and upon the further condition, that the city grant to the railway company a new franchise relieving it from the necessity of extending its line to Jackson, and eliminating the right of the railway company to furnish light to the city, and also eliminating the right of a telephone franchise. In other words, the street railway company wanted a new franchise minus the light and telephone, and minus the obligation to extend."

"There was a further condition that the street railway company should receive from the City of Cape Girardeau, a new franchise which should be in accordance with the provisions of the statute, what was termed a statutory franchise."

"Those things were all done by the city, and the water works and electric light company was granted a new charter, and the new charter granted the street railway company was drawn by I. R. Kelso, attorney of the light and development company."

"After that was done the light and development company raised the question that the franchise given by the city to the company was not a statutory franchise, although it was drawn by their own attorney."

"While that question was in controversy, L. S. Joseph and W. H. Miller, died, and the matter has since been held in abeyance."

"The purpose of bringing the suit is to determine whether or not the franchise that the city gave to the street railway company is a valid, statutory franchise."

The case will come up for trial in Jackson at the January term, 1915, of the Circuit Court.

HAD BEEN ODD FELLOW SINCE 1839

Lexington, Ky., Dec. 2—W. B. Emal, 97, said to be the oldest Odd Fellow in the world is dead at his home here. He was a native of Cedarville, N. J., and had been a member of Friendship Lodge of the city since 1839. He was the oldest resident of Lexington.

3651 MINE DEATHS IN YEAR
Washington, Dec. 2—A casualty list of American mines and quarries issued yesterday by the Bureau of Mines showed 3651 men killed last year and estimated the injured at 100,000. This was a death rate of 8.49 in every thousand of the 1,047,010 men employed.

MRS. MILFORD SAYS SHE DIDN'T INFLUENCE SON

Rich St. Louis Woman, Sued
for \$10,000, Denies Calling
Daughter-in-law Names.

RELATES HER STRUGGLE TO AMASS FORTUNE

Son's Testimony Bars Him From
Witness Chair—Lawyers
Argue Case.

The defense in the case of Emma Milford vs. Margaret Milford, completed its testimony yesterday afternoon, and after the jury was given its instructions by the court, the argument was taken up by the attorneys for the respective parties.

The opening was made by attorney Clyde Morsey, who was followed by attorney Ben Marbury for the defense. Judge H. E. Alexander, who is associated with counsel for plaintiff, spoke for thirty minutes, and at the conclusion of his argument, court was adjourned for the day, and will be resumed at 9 o'clock this morning.

The testimony of Mrs. Margaret Milford, the defendant, was chiefly in denial of the charges made by the plaintiff that she was responsible for her son Richard's loss of affection for his wife, and she also denied that she had ever called her daughter-in-law any improper names or made any remarks as to her being unfit for the wife of her son.

She related her early experiences from the time she came to America from Sweden, first working as a domestic and later marrying William Milford, with whose combined efforts in the restaurant and oyster business they succeeded in amassing their fortune.

Richard Milford, husband of the plaintiff, was called to the stand, but as the testimony sought to be offered by him was not permissible, he was withdrawn from the stand.

Dr. E. E. Brand of St. Louis, the physician who attended the young husband while in a hospital in St. Louis, where he underwent an operation, stated that he had advised the plaintiff that because of the character of the operation he did not deem it advisable for the young man to engage in farm work.

Dr. J. J. Harris, son-in-law of the defendant testified in corroboration of Dr. Brand, as to the condition in which the patient was left after the operation.

T. O. O'Connor, an attorney, testified that he had questioned the plaintiff and that her statements were to the effect that she did not care to maintain her relations as wife any longer. Mr. O'Connor stated that he was sent as the agent of the defendant to interview the plaintiff.

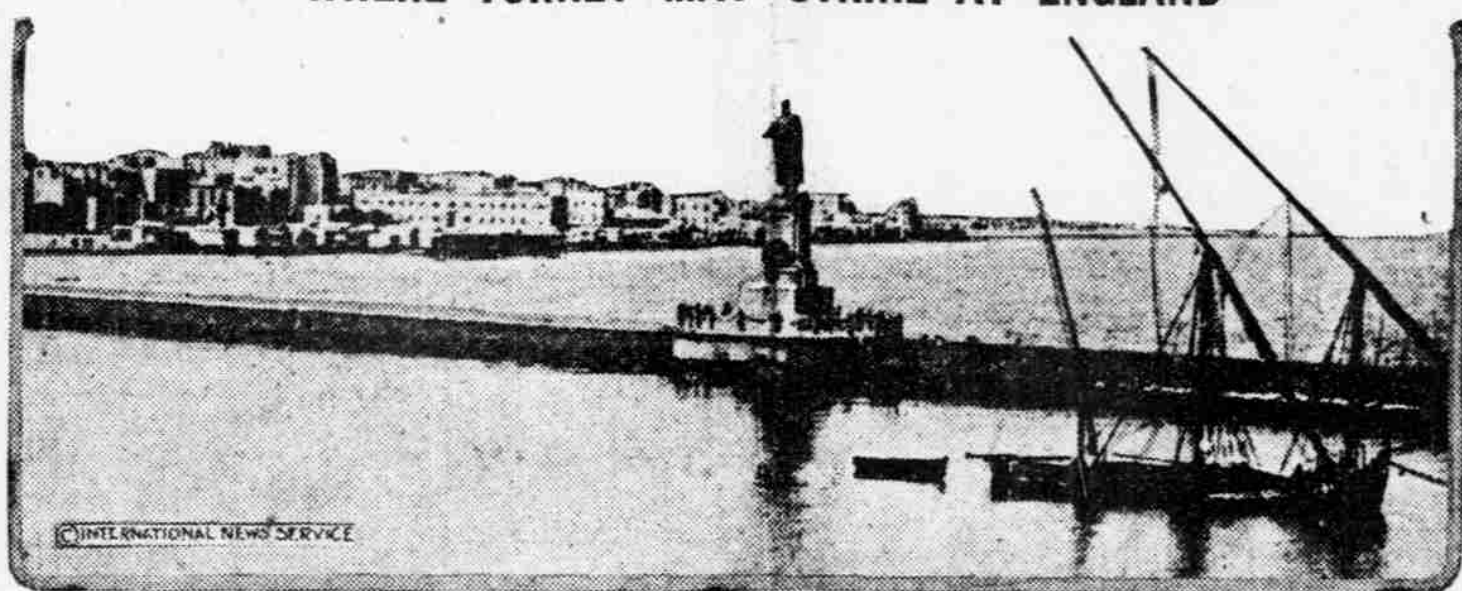
REVELLE OPPOSES TAXING LIFE INSURANCE PREMIUMS

Jefferson City, Dec. 2—State Superintendent of Insurance Charles C. Revelle has ruled that it is contrary to the spirit and letter of the Federal act for life insurance companies to require the insured to pay the war tax on insurance premiums. This tax amounts to one-half of 1 per cent of the premiums and amounts in Missouri to approximately \$45,000 a year. The Superintendent wired insurance company officials and their representatives that while under the present laws of Missouri they have the right to fix rates within the State, they should not undertake to compel the insured or the agents to pay this Federal war tax.

PROMINENT ATLANTAN SLAIN IN MAN'S HOME

Atlanta, Ga., Dec. 2—W. B. Carhart, president of the Carhart Shoe Manufacturing Company, shot and instantly killed James P. Callaway, a prominent business man, in the Carhart residence today. Carhart claims he mistook his victim for a burglar.

WHERE TURKEY MAY STRIKE AT ENGLAND



Entrance of the Suez canal at Port Said, Egypt, with statue of Ferdinand de Lesseps in the center.

300,000 Babies Die Each Year Through Ignorance

Seventy-five Society Women, Who Are Attending Lectures By Dr. Schwarz, Are Told How To Keep Infants in Health.

Dr. Henry Schwarz of St. Louis, who has been called to Cape Girardeau on surgical cases frequently, is delivering a series of lectures at Washington University, St. Louis, to a class of 75 society women on "Parental Care."

Dr. Schwarz, who is a brother-in-law of Dr. Otto E. Forster, Vice-President of the First National Bank, is considered one of the leading obstetricians in this country, and he is endeavoring to impress the women of St. Louis, especially those of fashion, that ignorance is fatal. In his lecture Tuesday, which is especially interesting to young mothers, he said:

"In the Department of Agriculture at Washington pamphlets regarding health and disease of horses and cattle require editions reaching the million mark but the demand for the pamphlet on 'Parental Care' has so far been quite modest. The existence of the Children's Bureau at Washington, D. C., and its willingness to impart information regarding expectant mothers and on all matters of child's welfare does not appear to be sufficiently known."

"The pamphlet will be sent free of expense to all who ask for it. The Children's Bureau, in time, hopes to reach expectant mothers in all parts of the United States. This pamphlet gives detailed information on hygiene of motherhood, complications arising from motherhood and how to avoid them, preparations for the mother, outfit for the baby and the care of the new baby."

"The Government's interest was aroused after the Census Bureau estimated that 300,000 babies under 1 year old died in 1912 in the United States. In the registration area, he said, more than 42 per cent of the infants dying under 1 year of age did not live to complete the first month of life."

He enumerated the principal dangers to the child as broken limbs, mental deficiency and epilepsy and total blindness due to ophthalmia neonatorum, a disease of the eye. Compared with these injuries which handicap the individual for life, and which fill eleemosynary institutions at great public expense, he said, the death of the baby is often a blessing in disguise. Such injuries, he said, are usually due to failure to have medical attention for many months preceding motherhood.

Twenty-five per cent of the inmates of institutions for the blind, he said, have lost their sight from ophthalmia neonatorum, which is contracted at birth. The disease, he said, is absolutely preventable and can be checked in its early stages by one drop of a 2 per cent solution of silver nitrate in each eye.

The propaganda for the "Twilight Sleep," Dr. Schwarz said, has called universal attention to the fact that, in spite of all modern advances, a large number of women do not receive the protection against pain to which they are surely entitled, and in this respect, he said, this propaganda will undoubtedly help to bring universal relief quicker than it would come otherwise. He cited the use and effects of various anesthetics.

"We have as yet no adequate means of taking proper care of the large portion of our population," he said, "which is not poor enough to be entitled to the free use of obstetrical

dispensaries, and yet not rich enough to be able to afford the luxury of a trained nurse at \$30 a week, and the high priced accommodations of the divisions of private hospitals. What is needed for this class of persons are hospital accommodations at a moderate price, including nursing and special attendance, and yet with the comfort and dignity of a private room."

The department of obstetrics of the Washington University Medical school of which Dr. Schwarz is chief, hopes to set an example in this respect when it moves into the modern Women's Hospital, which he said had been promised and which would be erected in connection with the other buildings of the medical school. For the present this department will carry out its work in ample temporary quarters provided for it in the Barnes Hospital, in the dispensary building and in the laboratory buildings.

POLICE FIRE AT SOCIETY WOMAN IN AUTOMOBILE

Accused of Speeding After Hitting and Injuring Man.

Chicago, Dec. 2—Mrs. Hugo Du Brock, wife of a wealthy shirt manufacturer and prominent socially, was arrested early today after an exciting chase, in which the police fired several shots at Mrs. Du Brock, who was speeding away in her automobile. The police say she ran down and seriously injured Richard Staple, 56, and then forced her car at high speed through a crowd that attempted to detain her until the police came.

Mrs. Du Brock was returning home with a party of friends. Two women in her party became hysterical when the policemen's bullets began to sing about the speeding auto. Detectives commandeered another car and captured Mrs. Du Brock.

4 LEE LINE PILOTS WHO STRUCK ARE SUSPENDED

Were Accused of Leaving Steamer and Intimidating Men Who Took Their Places.

Memphis, Tenn., Dec. 2—Harry Fitzgerald, Charles F. Nellis, Eugene Hampton and Guy Walker, former Lee Line pilots between Memphis and St. Louis, today were suspended for 60 days for leaving a Lee Line steamer Sept. 7 last, when no other pilots were on hand to take their places.

They were also charged with intimidating pilots who took their places. The four men were being paid \$100 a month, but asked for \$125, which was refused. The suspension was ordered by United States Inspectors Wycoff and Greenwood.

POSTOFFICE ROBBED OF \$15,000

Walsenburg, Colo., Dec. 2—Bert Howard, private in Troop, F, Fifth U. S. Cavalry, was arrested here today following the theft of \$15,000 from the postoffice last night. Officials said \$4800 was found in Howard's mattress. The money had been shipped from the First National Bank of Pueblo to the First National Bank of Walsenburg.

Young Phil Hoch is Ready for Invaders

Builds Fort in Back Yard
and Calls Himself the Kaiser
—War News Inspires
Youth.

Master Phil Hoch, youngest son of Mr. and Mrs. Phil A. Hoch, has decided that this city is likely to be invaded by an unfriendly army and he is prepared to take care of the Hoch home, at least.

After listening to his father read a few stories about digging trenches and erecting forts, Master Phil, who is ten years old, reached the conclusion that quick action was necessary.

Without informing his family, the young man retired to the back yard and began to excavate. After he had gone as deep as he thought safety demanded, he threw up a breastwork and began the construction of the fort.

Toy guns were installed and their barrels were located so that he could get a line on the enemy no matter from which direction they approached. After completing the bulwark, the young man covered it over and on the top he raised a small American flag.

Master Phil kept the secret to himself, but his father discovered it. Mr. Hoch was somewhat surprised yesterday morning when he looked out of a rear window and discovered what looked like it might have been an infernal machine.

"I wonder what on earth that is," said Mr. Hoch to his wife, as he looked with astonishment at the mound. The mystery grew deeper the closer he came to the fort. When he was about ready to summon the police, he noticed a small American flag waving from the top of the contraption.

"That is some of Mister Phillip's work," remarked Mr. Hoch, and before he could identify it, his young son appeared. "What is this young man?" asked the merchant of his son. "Why that's a fort," replied the boy. "We can't let the enemy come in here. I am going to repulse 'em. I'm the Kaiser."

The merchant took the young man's word for it, and the fort is going to remain until the war is over.

FOG EXTENDED FROM ATLANTIC TO MISSISSIPPI

15 Ocean Liners Unable to Enter New York Harbor; Traffic Delayed.

New York, Dec. 2—A fleet of 15 ocean liners rocked at anchor in a heavy sea today at the entrance to New York harbor, fog-bound in the thickest mist that has mantled this section of the seacoast for 15 years.

The 500,000 commuters that come daily from New Jersey, Long Island and nearby New York State points were delayed from half an hour to an hour and a half, trains and ferries creeping through a heavy cloak of mist.

The local weather bureau said the fog extended over a wider area of country than was ever covered by a single fog before, and place its western boundary at the Mississippi River.

FOUR IN FAMILY BURN

Wilmington, N. C., Dec. 2—Four members of the family of A. H. McNeill were burned to death here late last night when fire destroyed their home in a suburb.

The dead are: Hannah McNeill, 21; Amelia, 11; Walter, 8, and Wade, 3. The parents and one child escaped.

AUSTRIANS TAKE BELGRADE AND SERVIANS FLEE

Vienna Report Says Enemy is Fleeing All Along the Southern Front—Typhoid Fever Breaks Out in Belgian Army.

GERMANS HAVE CAPTURED OVER 80,000 RUSSIANS IN 20 DAYS

In Official Report From Berlin, Germany Corrects Misstatements of Campaign in the East—Still Defeating Russians.

Paris, Dec. 2—The Germany artillery today is hammering at the allied line between Ypres and Arras. Reports reaching here state that re-enforcements continue to come up for the enemy in this section and the full quota of 100,000 additional men is expected to be on the firing line within the next few days.

Reports have reached here that the Crown Prince is to transfer his headquarters from the Fifth Army in the Argonne to Belgium, and may be given supreme command of the German army of the west. It is believed here that the German forces are about to make one more effort to pierce the allied line and reach Calais. There are those who maintain, however, that such an attack will be withheld until after the fighting in the east reaches a decision.

Berlin, Dec. 2—Reports from the front say that the enemy is retreating all along the southern border. The dispatches also state that an epidemic of typhoid has broken out among the Belgians.

Pretoria, South Africa, Dec. 2—It is official announced here that Gen. DeWet, the Boer Rebel leader, was captured early this morning. He is now in prison.

London, Dec. 2—A dispatch from Rome was received here late tonight stating that the garrison of Adrianople had mutinied. Reports received from other points confirm the Rome dispatch.

Amsterdam, Dec. 2—A Vienna message received here states that the Austrians occupied Belgrade today. Earlier reports declared that the Serbian troops had withdrawn.

Fighting in the vicinity of Belgrade has been in progress almost constantly from the very start of the war. The first operations of the Austrians were directed against the city, the capital of Serbia. The Government then was removed to Nish, where King Peter, his court and all Government officials have remained.

Belgrade is on the Danube, directly across the river from the Austrian frontier. The Austrian city of Semlin is near by. In the early fighting the Serbians blew up the bridge across the Save River leading from Semlin to Serbian territory and managed to hold their own frontier. With the first invasion of Galicia the Austrians abandoned their Serbian campaign for the time to resist the Russians. When the Germans came to their assistance, however, the Austrians were able to attack Serbia with renewed vigor.

Belgrade is strongly fortified and was subjected to severe bombardment by Austrian monitors during the early part of the war.

Berlin, Dec. 2, by wireless to London—The official statement issued today reads:

"In the western theater of the war the enemy made insignificant advances which were checked."

"In the forest of Argonne a strong point of support of the enemy was taken by the Wuertemberg Infantry Regiment No. 120, His Majesty, the Kaiser's own regiment. On this occasion two officers and about 300 of the enemy's troops were made prisoners."

"There is no news from Eastern Prussia."

"In Northern Poland battles are taking normal course."

"In Southern Poland the enemy's attacks were repulsed."

"The report circulated in the foreign press that the 23,000 prisoners taken by us at Kutno are included in the 40,000 Russian prisoners reported by us previously is untrue."

"In the battles at Wloclawek, Kutno, Lodz and Lowicz, the Eastern army has taken between the 11th of November and the 1st of December over 80,000 unwounded Russian prisoners."

Referring to the Russian official communication of Nov. 29, German headquarters says:

"A great story of success for the German troops has come to light in the fighting near Lodz. The German forces were operating against the right flank and in the rear of the Russians when they, in their turn, were attacked by Russians, who pressed them hard, coming from the east and south."

"The German troops turned from the Russians, with whom they were engaged and fought a very bitter three days' fight and broke through the Russian ring. In doing so they brought with them 12,000 prisoners as well as 25 guns, and lost only one German gun."

"The German losses naturally were not small, but they certainly could not be described as 'awful.'"

"It is reported from Posen that the Austrian Emperor has telegraphed his congratulations to Gen. von Hindenburg and appointed him chief of infantry regiment No. 69."

The official announcement is made that the German Emperor on Monday visited the troops in their positions at Gumbinnen and Darkehmen, East Prussia.

It is officially reported from Vienna that the Russian defeat in the battle of Homonna in Hungary, 30 miles northwest of Ungvár, was greater than at first supposed.

"The enemy's position," says the official statement, "was surrounded. Both our wings directed flank attacks against them and compelled them to beat a hasty retreat with a loss of 100 killed or wounded and 1500 men made prisoners."

"The total number of prisoners taken by the Austrian in the fighting in Poland is 35,000."

"Archduke Frederick, commander in chief of the Austrian army, congratulating Field Marshal Paul von Hindenburg on his promotion, emphasizes the unvarying harmony which exists between the Austrian and German armies."